

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR,
Plaintiff

Vs.

CASE NO.: 1:23-CV-00374-JL

CRAIG DONAIS, RUSSELL HILLIARD,
DONAIS LAW OFFICES PLLC,
UPTON AND HATFIELD LLP and
MARY K. DONAIS,
Defendants

**CRAIG DONAIS, DONAIS LAW OFFICES PLLC AND MARY K. DONAIS’
OBJECTION TO PLAINTIFF’S EMERGENCY MOTION TO EXTEND TIME TO FILE
REPLIES OR MOTION TO FILE REPLIES TO THE DEFENDANTS’ OBJECTIONS
TO THE MOTION TO AMEND COMPLAINT AND EMERGENCY MOTION TO
EXTEND TIME TO FILE OBJECTION TO DONAIS DEFENDANTS’ MOTION TO
EXCEED PAGE LIMIT (DOC. 171)**

Defendants, Craig Donais, Donais Law Offices PLLC and Mary K. Donais (collectively “Donais Defendants”), by and through their counsel, Morrison Mahoney LLP, respectfully submit this Objection to Plaintiff’s Emergency Motion to Extend Time to File Replies or Motion to File Replies to the Defendants’ Objections to the Motion to Amend Complaint and Emergency Motion to Extend Time to File Objection to Donais Defendants’ Motion to Exceed Page Limit (Doc. 171), stating as follows:

1. On 9/26/23, the Donais Defendants filed their Motion to Dismiss (Doc. 70). On 11/6/23, Plaintiff filed his Opposition to the Donais Defendants’ Motion to Dismiss. (Doc. 97.) On November 20, 2023, Plaintiff filed 12 documents, to include the [Refiled] Plaintiff’s [Partial] Supplemental Opposition to Donais Defendants’ Second Pre-Answer Motion to Dismiss. (Doc. 118.) On November 30, 2023, this Court conducted a case management conference. The next day, the Court issued an order, noting, in part, that “[b]ecause an

accepted amended complaint would moot the pending motions to dismiss (doc. nos. 70, 81), LR 15.1(c), further briefing on defendants' motions to dismiss and Bisator's related motions to "declare choice of law" and to strike (doc. nos. 112, 113, 117) is stayed pending further order of the court." On 3/12/24, Plaintiff filed his Motion to Amend. (Doc. 159.) On 3/13/24, Plaintiff filed his corrected motion to Amend. (Doc. 161.) On 3/25/24, the Donais Defendants timely filed their objection to Plaintiff's Motions to Amend. (Doc. 168.) Also on 3/25/24, the Donais Defendants filed a Motion to Exceed Page Limit, as its objection was 24 pages. (Doc. 167.)

2. Plaintiff now seeks an extension of time to (a) object to the Donais Defendants' three-page Motion to Exceed Page Limit and (b) file his Motion for Leave to Reply to the objections to this his motion to amend filed by all defendants. He evidently seeks, respectively, extensions until April 29, 2024 and May 22, 2024. This Court has since granted the Donais Defendants' Motion to Exceed Page Limit. As such, the Donais Defendants limit this objection to Plaintiff's request for an extension of time to file his reply to the Donais Defendants' Objection to Plaintiff's Motion to Amend his complaint.
3. As this Court is aware, Plaintiff filed the instant action more than 20 months ago. We again remind the Court that this is not the only action filed by Plaintiff against Craig Donais. Plaintiff has also sued Craig Donais in Middlesex Superior Court, Docket No. 2081CV000087, alleging defamatory statements of the exact same type and nature, which claims were dismissed on August 2, 2021 and in New Hampshire for similar causes of action. Plaintiff is appealing the dismissal of the Massachusetts action on a pro se ex parte appeal to the Massachusetts Appeals Court, Docket No. 2021-P-0960 ("Andre Bisassor [sic] v. Craig Donais"). Plaintiff's wife has also filed two grievances against Defendant

Craig Donais with the New Hampshire Attorney Discipline Office alleging the same facts. Plaintiff and Plaintiff's wife have also filed another civil action against Craig Donais in New Hampshire in Hillsborough Superior Court North, Docket 226-2020-cv-00027.

4. As previously argued, while extensions are typically a matter of courtesy, the Donais Defendants note that Plaintiff has already sought repeated extensions in this matter, and they do not wish to engage in another series of extensions. Plaintiff has filed multiple requests since this matter was removed to Federal Court for extensions of time less than a year ago. (Doc. 19, 39, 41, 44, 53, 69, 73, 77, 89, 93, 100, 101, 106, 145, 154, 162, 166, 170, 171.) Accordingly, the Donais Defendants object to any extension given Plaintiff's demonstrated history of seeking multiple extensions.
5. The Donais Defendants' objection, as Plaintiff points out, largely relies upon arguments the Donais Defendants made in its Motion to Dismiss. (Doc. 171, ¶¶ 5.iii., 12.) Since Plaintiff already filed his objection to the Motion to Dismiss (see Docs. 97 and 118), Plaintiff should not need additional time to reply. The objection contains almost identical arguments to which Plaintiff has already responded.
6. The Donais Defendants further note that Plaintiff has not yet been granted leave to file his proposed Second Amended Complaint, so his reliance upon Rule 15.1, as outlined at Doc. 171, ¶ 15 is misplaced.
7. Also, Plaintiff, in the instant motion, seems to have replied substantively to the objection to the Motion to Amend rather than arguing for an extension of time.
8. An extension of time for Plaintiff to file a Reply, assuming this Court grants him leave to file a Reply, until May 22, 2024 – more than seven weeks from today and two months after the objection has been filed - is unnecessary and unreasonable, given the above.

9. The Donais Defendants continue to dispute any wrongdoing, and Craig Donais has been disputing claims made by Plaintiff and/or his wife for several years in several venues. They rightfully would like to move forward in this matter.
10. Plaintiff's request for an extension of time to file a reply to the Donais Defendants' objection to his Motion to Amend his complaint should be denied.

Wherefore Craig Donais, Mary K. Donais and Donais Law Offices PLLC respectfully request that this Honorable Court:

- A. Deny Plaintiff's Emergency Motion to Extend Time to File Replies or Motion to File Replies to the Defendants' Objections to the Motion to Amend Complaint and Emergency Motion to Extend Time to File Objection to Donais Defendants' Motion to Exceed Page Limit (Doc. 171); and
- B. Grant such other and further relief as is equitable and just.

Respectfully submitted,

FOR THE DEFENDANTS,
CRAIG DONAIS,
DONAIS LAW OFFICES PLLC and
MARY K. DONAIS

By Their Attorneys,

/s/ Linda M. Smith

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **OBJECTION** to all parties in this action by serving same via First Class U.S. mail, postage prepaid and/or electronic mail to:

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Date: April 1, 2024

/s/ Linda M. Smith
Linda M. Smith